

Zoe Dolan

www.zoedolan.com
zdolan@gmail.com

Attorney At Law
Admitted NY & CA
(347) 301-5180

154 Grand Street
New York, NY 10013

September 27, 2013

The Honorable Lewis A. Kaplan
United States District Court
Southern District of New York
Via ECF & Fax

Re: *United States v. Sulaiman Abu Ghayth*
98 Cr. 1023

Dear Judge Kaplan:

This letter is to advise the Court that the defense anticipates making a presumptively classified submission concerning the defense expert in connection with defendant Sulaiman Abu Ghayth's motion to suppress.

In accordance with the schedule set in court on Tuesday, the defense has retained Dr. Stephen Xenakis to provide expert services. Dr. Xenakis is a physician and a psychiatrist who holds a U.S. national security clearance, and he is a retired Brigadier General. His curriculum vitae is attached as Exhibit A.

Based on my review of classified discovery in this case, certain limited classified information appears integral to various facts and circumstances that are now in issue or are likely to be raised. Yesterday the defense advised the government and CIPA Classified Information Security Officer Michael Macisso that clearance was necessary for Dr. Xenakis to work on this case. This morning I contacted Mr. Macisso to discuss logistics. Subsequently, the government informed me that it intends to submit objection to the defense expert, including his "need to know" about classified discovery.

The defense has determined that certain limited classified information is prerequisite to discussion with Dr. Xenakis about central aspects of the issues. Relevance and probative value shall be addressed in the presumptively classified submission to be filed in response to the government's position.

The Court's consideration of this letter is appreciated.

Sincerely,
s/
Zoe Dolan

Cc: All counsel via e-ECF
Mr. Michael Macisso & Mr. Harry Rucker